



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

31091

B-178723

June 20, 1973

Tri-State Motor Transit Co.
P. O. Box 113
Joplin, Missouri 64801

Attention: E. S. Gordon
Sr. Vice President, Traffic

Gentlemen:

Subject: Your Voucher No. 72-053

In your letter of February 26, 1973, with enclosures, to our Transportation and Claims Division, you request review of the Division's action in returning to you your voucher No. 72-053 for \$1,725.60 because the 3-year statute of limitations in section 322 of the Transportation Act of 1940, as amended, 49 U.S.C.A. 66 (section 322), precluded the Division from considering it. In a letter dated January 12, 1973, to your company, the Division affirmed that action.

Voucher No. 72-053 is a claim for freight charges for transporting a shipment of high explosives from Savanna Army Depot, Illinois, to Fort Wolters, Texas, under Government bill of lading No. E-7094398, issued April 30, 1968. The original Government bill of lading apparently is lost and your voucher is supported by a Certificate In Lieu of Lost Government Bill of Lading (CIL).

The CIL was issued by the Department of the Army on June 25, 1971. The Certificate of Consignee on the CIL shows that the shipment was delivered at destination May 2, 1968, and the CIL's Certificate And Waiver By Transportation Company was signed on behalf of your company on January 13, 1972. You sent the voucher with its supporting papers to the Department of the Army which forwarded it here where it was received January 31, 1972.

More than 3 years had elapsed since May 2, 1968, when the shipment was delivered at destination, and the Division returned the bill and supporting papers to you because under section 322 it was precluded from considering the claim for freight charges represented by your voucher.

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You describe in detail your company's efforts to locate the original bill of lading and the administrative delay encountered in having the Department of the Army issue an appropriate CIL; you believe this to be an instance in which you exerted every effort to perfect your claim and that under § GAO 6024.10 the Comptroller General can grant an exemption so that the Division can consider your claim.

Section 6024.10 of the GAO Manual concerns statutory limitations on filing court suits involving transportation charges and is not material here. However, the next section, 6025.10, reads:

6025.10 THREE-YEAR STATUTE OF LIMITATIONS. Section 66 of title 49 U.S.C., as amended by P.L. 85-762, approved August 26, 1958, imposes a 3-year limitation on the filing of claims cognizable by the General Accounting Office when such claims involve charges for transportation within the purview of that section. Claims in this category are those which involve transportation charges based upon tariffs lawfully on file with the Interstate Commerce Commission and the Civil Aeronautics Board or which involve rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, 49 U.S.C. 22. The filing of a claim with some other agency of the Government will not meet the requirements of this statute; the claim must be received in the General Accounting Office within 3 years after the date such claim first accrued.

We enclose a copy of our decision of October 8, 1971, B-173122, 51 Comp. Gen. 201, in a similar case of administrative delay, which outlines in detail the reasons why we cannot consider your claim.

We appreciate your view that you have exerted every effort under adverse conditions to combat the administrative delay while the CIL was being processed by the Department of the Army. However, we have thoroughly reviewed the record in this claim and conclude that our Transportation and Claims Division in advising you that your claim is barred and cannot be considered here made the only proper disposition of the claim under the applicable law and regulations. Its action is accordingly sustained.

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We are returning the voucher and supporting papers which you enclosed with your letter.

Sincerely yours,

For the PAUL G. DEMBLING
Comptroller General
of the United States